

Notice of Allowability

Application No.

09/819,105

Applicant(s)

HANDIQUE ET AL.

Examiner

Brian R. Gordon

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4-18-05.
2. ☒ The allowed claim(s) is/are 1-13, 15-38, 52 and 53.
3. ☒ The drawings filed on 3-28-01 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6-24-04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Julius Fister on April 26, 2005.

The application has been amended as follows:

In the claims:

In claim 1, amend the second step (iii) immediately preceding step (b) as follows:

(iii) after determining the presence or absence of the microdroplet, determining reaction products of one or more components of the microdroplet, if the microdroplet was determined to be present; and

In claim 26, amend the second step (iv) immediately preceding step (b) as follows:

(iv) after sensing the presence or absence of the microdroplet at the selected position, sensing the composition of a the micro-droplet at a the selected position in a the selected passage by internal components acting as a micro-droplet presence sensor by sending optical signals to the MF device and receiving optical signals returned from the M'F device, and

In claim 27, amend the second step (ii) immediately preceding step (b) as follows:

(ii) sensing, utilizing at least one internal component, the presence or absence of a micro-droplet at a first selected position in a selected passage and then determining the presence of a reaction product of at least one component of the microdroplet at a second, different position of the microfluidic device if the microdroplet was sensed at the first selected position, and

In claim 28, amend the second step (e) as follows:

(e) ~~reacting the at least one micro-droplets after the~~ steps of determining, utilizing the at least one internal components the presence or absence of the at least one final microdroplet and ~~the moving the at least one final micro-droplet,~~ reacting the at least one micro-droplets.

In claim 38, amend the second step (g) as follows:

g) reacting the micro-droplet by waiting for a time sufficient for occurrence of the reaction or by exciting the final micro-droplet by providing control signals to the MF device, wherein the excitation is sufficient to cause occurrence of the reaction and where the reacting step is performed after the determining, utilizing the at least one internal component, the presence ~~or absence~~ of the micro-droplet within a region of the MF device.

Allowable Subject Matter

2. Claims 1-13, 15-38, and 52-53 are allowed.
3. The following is an examiner's statement of reasons for allowance: As discussed during the interview of April 7, 2005, the prior art of record does not teach separate steps of determining the presence of a microdroplet and subsequent detection and reacting the reaction microdroplet.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, with 2nd and 4th F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

brg


Jill Warden
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Technology Center 1700